

REMARKS/ARGUMENTS

The amendment to Claim 1 is supported by the specification as originally filed at page 27, lines 12-15 and by Example 1 at page 38, lines 7-8. The amendment to Claim 2 is similarly supported at specification page 27, lines 12-15 and by Example 3 at page 39, lines 14-15. See also specification page 27, lines 14-15 for support for new Claims 20 and 21.

New Claims 8-13, and 14-19 (which parallel Claims 8-13 but are dependent upon Claim 2), are supported in the specification at page 9, lines 30-31, page 10, lines 8-10, 14-17, and 21-22, at page 11, lines 7-10 and at page 12, line 25 – page 17, line 31. No new matter has been entered

As a preliminary matter, Applicants request the Examiner to consider, initial and date, and return to them the PTO 1449 filed with the IDS of December 22, 2004. A copy of this PTO 1449 is attached hereto for the Examiner's convenience. In addition, Applicants request that the Examiner add to the list of references considered U.S., 6,797,774, the English equivalent of WO '490 referred to in the Official Action.

Claims 1 and 2 have been rejected as anticipated by WO '490, citing U.S. '774, its English equivalent, and Okamoto (EP '112). Applicants traverse these rejections.

Claims 1 and 2 have been amended so as to point out a referred embodiment thereof: processes wherein the product propylene-based polymer has an intrinsic viscosity of 0.1-0.43 dl/g (Claim 1) or 0.1-0.42 dl/g (Claim 2). Neither WO '490 nor EP '112 produce such materials.

WO '490 relates to the preparation of a resin for hot melt adhesives prepared in the presence of a polymerization catalyst containing (A) a transition metallic compound and a promoter component (B) which is either a compound capable of forming an ionic complex by reacting with the (A) component, or aluminoxane. See column 4, lines 21ff of the reference. Aluminoxane is used in the Examples. As noted in Table 1 of the reference at column 12

thereof, the lowest intrinsic viscosity is obtained greater than that of the presently claimed range, i.e., the lowest intrinsic viscosity reported in the reference is 0.5. Because the presently claimed process produces materials with a significantly lower intrinsic viscosity, it is clear that this reference does not suggest the process of the present invention. Moreover, in Comparative Example 1 herein (page 39 of the present specification) a comparative process is conducted using aluminoxane. When the results are compared with that of Example 1 according to the invention, it is quite clear, again, that a product is produced having a much higher intrinsic viscosity than that presently claimed (0.7) and that, in addition, the yield is quite low (5g versus 110g for Example 1). Clearly, WO '490 and its English equivalent, U.S. '774, do not suggest the present invention process.

Okamoto (EP '112) is similar to WO '490 in that the required co-catalyst (B) is a compound capable of forming an ionic complex with the transition metal compound (A), aluminoxane, or a Lewis acid. See, e.g., the paragraph bridging pages 3 and 4 of the reference. Okamoto uses aluminoxane in the Examples (Examples 1-4 and 15 and 16) and dimethylanilinium tetrakis (pentafluorophenyl)borate in Examples 13 and 14. Notably, the intrinsic viscosity of the polymers produced in Okamoto are quite high: 0.7-4.4 (see page 39, Table 2-1 of the reference). These high values are in line with those described for the reference process at reference page 9, lines 18-22 and page 11, lines 28-31.


Accordingly, it is quite clear that neither WO '490 nor Okamoto disclose or suggest a process as presently claimed wherein a product is produced having an intrinsic viscosity of from 0.1 to 0.42 or 0.43 dl/g. Moreover, the present invention demonstrates the significant differences obtained between the invention materials and those of the prior art in Comparative Example 1, and is thereby distinguished from anything disclosed or suggested by either of the applied references.

Application No. 10/509,339
Reply to Office Action of January 18, 2006

Accordingly, and in view of the above amendments to the claims and the remarks presented above distinguishing the applied references from the pending claims, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejections, and the passage of this case to Issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)